

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

In re)	
)	
Robert Henry Pearson, Jr.)	
)	No. 21-11478-BFK
Debtor.)	Chapter 7
)	
)	
WELLS FARGO BANK National Association,)	
as Trustee,)	
)	
Movant)	
v.)	
)	
Robert Henry Pearson, Jr., et al.)	
)	
Respondents.)	
)	

RESPONSE TO MOTION FOR RELIEF FROM STAY

COMES NOW the Debtor, Robert Henry Pearson, Jr., by counsel, and in response to the referenced Motion for Relief from Stay states as follows:

1. Debtor admits that this Court has jurisdiction.
2. Debtor admits Paragraph 2.
3. Debtor admits Paragraph 3.
4. Debtor admits Paragraph 4.
5. Admitted.
6. Admitted.
7. Denied.

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6718 Whittier Avenue, Suite 200
McLean, Virginia 22101
Counsel for Debtor

8. Denied. Debtor is current.
9. Admitted.
10. Denied.
11. Denied.

Debtor further denies each and every allegation not expressly admitted, and denies that Movant is entitled to the relief requested, or any relief.

Separate and Affirmative Defenses

1. Debtor is current on the mortgage loan.
2. Movant is adequately protected, including by a substantial equity cushion.
3. Any missed payments were the result of Movant's failure to send statements.

Movant cannot be permitted to manufacture "cause" in such a manner.

4. Even taking Movant's allegations as true, any default (a small portion of the September payment being "late" probably because payments were misapplied to fees or other charges, and the October payment being paid in October but after the due date), Movant is not entitled to costs or fees for manufacturing such a minor default that with a \$225,000 equity cushion on a \$350,000 loan could not possibly put it at any risk.

WHEREFORE, Debtor respectfully requests that the motion be denied.

Dated: November 8, 2021.

Respectfully submitted,
/s/ Daniel M. Press
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Counsel for Debtor

CERTIFICATE OF SERVICE

This is to certify that on the 8th day of November, 2021, I caused the foregoing Response to be served by CM/ECF upon the Chapter 7 Trustee and counsel for the Movant.

/s/ Daniel M. Press
Daniel M. Press